

S/N 09/877,606

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Min Lu et al.

Examiner: S. Foley

Serial No.: 09/877,606

Group Art Unit: 1648

Filed: June 8, 2001

Docket: 1153.068US1

Title: ANTIGEN FOR DEVELOPING NEUTRALIZING ANTIBODIES TO HUMAN  
IMMUNODEFICIENCY VIRUS

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4/30/02

RESPONSE TO RESTRICTION REQUIREMENT  
AND PRELIMINARY AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

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Prior to issuance of the first substantive Office Action, please amend the above-identified patent application as follows:

In the Claims

Please substitute the claim set in the appendix entitled Clean Version of Pending Claims for the previously pending claim set. The substitute claim set is intended to reflect amendment of previously pending claim 26. The specific amendment to individual claim is detailed in the following marked up set of claims.

26. (Amended) The method of claim 25, wherein the enveloped virus is selected from the group consisting of HIV1, HIV2, SIV, Mo-MLV, influenza virus and Ebola virus.

Response to Restriction Requirement

In response to the Restriction Requirement mailed March 13, 2002 with respect to the above-identified application, Applicants provisionally elect Group I (claims 1-13) drawn to the polypeptide.

The Restriction Requirement is traversed on the basis that certain of the claims subject to restriction are so closely related within the context of the disclosure of the application that they are not properly considered independent and distinct within the statutory meaning of 35 U.S.C. §121.

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

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More specifically, the invention of Group I and the invention of Group II are related as immunogenic polypeptide, and a vaccine employing said polypeptide as the immunogen.

Although these inventions are separately classified, a search of the claimed stabilized viral envelope protein trimer would necessarily include a search of the vaccine art, for vaccines containing this polypeptide as the active ingredient. It is regretfully urged that such a search would not impose an undue burden on the Examiner.

It is evident that these groups of claims are so closely related that the Restriction Requirement is properly traversed and reconsideration is respectfully requested.

Remarks

Claim 26 has been amended, and the claims pending in the above-identified application are claims 1-47.

The amendment to claim 26 is supported by claim 41.

Respectfully submitted,

Min Lu et al.,

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6903

Date 4-19-02

By Warren D. Woessner, Ph.D.

Warren D. Woessner, Ph.D.

Reg. No. 30,440

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 15th day of April, 2002.

Anne M. Richards  
Name

Anne M. Richards  
Signature